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100TH CONGRESS  
1st Session

HOUSE OF REPRESENTATIVES

REPORT  
100-475FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL  
YEARS 1988 AND 1989

DECEMBER 14, 1987.—Ordered to be printed

Mr. MICA, from the committee of conference,  
submitted the following

## CONFERENCE REPORT

[To accompany H.R. 1777]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1777) to authorize appropriations for fiscal years 1988 and 1989 for the Department of State, the United States Information Agency, the Voice of America, the Board for International Broadcasting, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

## SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1988 and 1989".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

*Sec. 1. Short title and table of contents.*

## TITLE I—THE DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATIONS OF FUNDS;  
RESTRICTIONS

*Sec. 101. Administration of Foreign Affairs.*

*Sec. 102. Contributions to International Organizations and Conferences; International Peacekeeping Activities.*

*Sec. 103. International Commissions.*

*Sec. 104. Migration and refugee assistance.*

*Sec. 105. Other programs.*

91-006

# PROHIBITION ON CERTAIN EMPLOYMENT AT U.S. DIPLOMATIC AND CONSULAR MISSIONS IN COMMUNIST COUNTRIES.

The House bill (sec. 192) prohibits the employment of Foreign Service Nationals (FSN's) at U.S. diplomatic and consular facilities in any Communist country, effective September 30, 1989. In addition, it expresses the willingness of Congress to provide necessary funds for the implementation of the prohibition.

The Senate amendment (sec. 525) prohibits the employment of FSN's at U.S. diplomatic and consular facilities in any Communist country, effective September 30, 1989.

The conference substitute (sec. 157), which becomes effective on September 30, 1990, prohibits the employment of FSN's in areas of diplomatic and consular missions and compounds where classified materials are maintained. The committee of conference urges the Department of State to make efforts to provide facilities, from which FSN's would be prohibited, that house the core embassy operations, which would comprise all classified activities and other sensitive operations. The conference substitute also includes a waiver which the President may exercise in the event (a) funds are neither authorized nor appropriated for the purpose of implementing this provision, or (b) if he determines that it is in the national security interest of the United States to continue to employ such foreign national employees in circumstances otherwise prohibited by this provision.

Finally, the conference substitute directs the Secretary of State to submit, as a part of the fiscal year 1990-91 budget request a report on the feasibility of the implementation of this section as well as its budgetary impact.

## TERMINATION OF RETIREMENT BENEFITS FOR FOREIGN NATIONAL EMPLOYEES ENGAGING IN HOSTILE INTELLIGENCE ACTIVITIES

The Senate amendment (sec. 525(b)) directs the Secretary of State to exercise available authorities to ensure the United States does not provide, directly or indirectly, any retirement benefits to a present or former foreign national employee of a U.S. diplomatic mission who the Secretary of State reasonably believes engaged in intelligence activities directed against the United States. The Secretary of State may waive this provision, on a case-by-case basis, if the Director of Central Intelligence requests such a waiver, or the Secretary determines that such waiver is vital to the national security interests of the United States.

The House bill (sec. 193) contains a similar provision.

The conference substitute (sec. 158) is the same as the Senate amendment. The committee of conference notes that subchapter II of chapter 83 of title 5, United States Code provides for the forfeiture of annuities and retired pay to individuals convicted of certain serious crimes, including espionage, disclosure of classified information, and sabotage. Insofar as a foreign national employee is eligible for a retirement benefit to which subchapter II applies the Secretary of State must utilize the procedures of this subchapter to terminate benefits. The committee of conference urges the Secretary of State to use this authority and such other authorities as he

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# EMPLOYMENT AT U.S. DIPLOMATIC AND IN COMMUNIST COUNTRIES.

prohibits the employment of Foreign Service diplomatic and consular facilities effective September 30, 1989. In addition, Congress to provide necessary the prohibition.

525) prohibits the employment of consular facilities in any Communist country after 1989.

157), which becomes effective on the employment of FSN's in areas of compounds where classified committee of conference urges the efforts to provide facilities, from that house the core embassy on all classified activities and other conference substitute also includes a exercise in the event (a) funds are for the purpose of implementation. It is in the national states to continue to employ such circumstances otherwise prohibited

te directs the Secretary of State year 1990-91 budget request a implementation of this section as

# NEFITS FOR FOREIGN NATIONAL LE INTELLIGENCE ACTIVITIES

b)) directs the Secretary of State ensure the United States does any retirement benefits to a employee of a U.S. diplomatic reasonably believes engaged in the United States. The Secretary, on a case-by-case basis, if requests such a waiver, or the er is vital to the national security.

similar provision.

8) is the same as the Senate conference notes that subchapter II Code provides for the forfeiture of individuals convicted of certain disclosure of classified information. A foreign national employee is eligible. Subchapter II applies the procedures of this subchapter to conference urges the Secretary and such other authorities as he

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has available in situations in which foreign nationals receive retirement benefits not covered by this subchapter.

# REPORT ON EMPLOYMENT OF FOREIGN SERVICE NATIONALS

The House bill (sec. 194) requires the Secretary of State to report to Congress not later than 6 months after the date of enactment on the advisability of employing foreign service nationals at U.S. diplomatic and consular posts abroad.

The Senate amendment (sec. 525(c)) contains a similar provision.

The conference substitute (sec. 159) requires the Secretary of State to consult with the Secretaries of Commerce and Agriculture, and the Directors of Central Intelligence, the United States Information Agency, and the Peace Corps in compiling the report on the employment of foreign service nationals, and to include in the report information on the access of such employees to automatic data processing systems and networks.

# CONSTRUCTION SECURITY CERTIFICATION

The Senate amendment (secs. 135(a), 135(e), 135(g), 538, 539, and 554) contains numerous reporting requirements pertaining to the security program of diplomatic missions abroad, and to the security of construction projects and other related issues.

The House bill contains no comparable provisions.

The conference substitute (sec. 160) directs the Secretary of State to certify to Congress, before undertaking any new construction project, that (a) appropriate steps have been taken to secure the construction project, and (b) that the resulting facility will incorporate adequate security measures for the protection of national security information and personnel.

# PROTECTION FROM FUTURE HOSTILE INTELLIGENCE ACTIVITIES

The House bill (sec. 199) prohibits the acquisition of real property in the United States by or on behalf of a foreign mission of certain foreign countries if in the judgment of either the Secretary of Defense or the Director of the Federal Bureau of Investigation such acquisition might substantially improve that country's ability to engage in intelligence activities hostile to U.S. national security interests.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 161) is similar to the House bill language but makes clear that this provision is not intended to prevent the establishment of a foreign mission by a country which, on the date of enactment, does not have a mission in the United States or to prevent a country from opening a consular mission in a city in which it does not currently have such a mission.

# APPLICATION OF TRAVEL RESTRICTIONS TO PERSONNEL OF CERTAIN COUNTRIES AND ORGANIZATIONS

The House bill (sec. 146) limits the travel of certain foreign personnel in the United States to within the municipal areas in which they are located. The personnel affected include all foreign employees of international organizations; officials from certain foreign



104—DEC. 22, 1987

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101 STAT. 1355

State assigned to United States high intelligence threat countries those posts and for any individual those posts. Such program shall

ensuring to ensure suitability for threat countries;

ness and related training; mand arrangements designed to

and policies regarding rest and

er than 6 months after the date Secretary of State shall report nnel security program required

ction (a), the term "high intel-

unist country in section 620(f) of 61; and

ted as a high intelligence threat tion by the Secretary of State, Director of Central Intelligence, or au of Investigation.

ARDS.

-Section 301 of the Diplomatic ded—

y case of a serious breach of activities of a foreign govern- Government mission abroad,"

sentence thereof the following breaches of security involving Secretary of State may delay review Board if, after consulta- select Committee on Intelligence man of the Permanent Select House of Representatives, the g so would compromise intel- The Secretary shall promptly mittees of each determination lay the establishment of an

of that Act (22 U.S.C. 4834(a)) ending the serious breach of ties of a foreign government nt mission abroad (as the case rst place it appears.

EMPLOYMENT AT UNITED STATES AR MISSIONS IN COMMUNIST

- 30, 1990, no national of a ed as a foreign national em- tates diplomatic or consular

facility in any Communist country where classified materials are maintained.

(b) **DEFINITION.**—As used in this section, the term "Communist country" means a country listed in section 620(f) of the Foreign Assistance Act of 1961.

(c) **ADDITIONAL FUNDS FOR HIRING UNITED STATES CITIZENS.**—The Congress expresses its willingness to provide additional funds to the Department of State for the expenses of employing United States nationals to replace the individuals dismissed by reason of subsection (a).

(d) **REPORT AND REQUEST FOR FUNDS**—As a part of the Department of State's authorization request for fiscal years 1990 and 1991, the Secretary of State, in consultation with the heads of all relevant agencies, shall submit—

(1) a report, which shall include—

(A) a feasibility study of the implementation of this section; and

(B) an analysis of the impact of the implementation of this section on the budget of the Department of State; and

(2) a request for funds necessary for the implementation of this section pursuant to the findings and conclusions specified in the report under paragraph (1).

(e) **WAIVER.**—The President may waive this section—

President of U.S.

(1) if funds are not specifically authorized and appropriated to carry out this section; or

(2) the President determines that it is in the national security interest of the United States to continue to employ foreign service nationals.

The President shall notify the appropriate committees of Congress each time he makes the waiver conferred on him by this section.

President of U.S.

**SEC. 158. TERMINATION OF RETIREMENT BENEFITS FOR FOREIGN NATIONAL EMPLOYEES ENGAGING IN HOSTILE INTELLIGENCE ACTIVITIES.**

22 USC 4041  
note.

(a) **TERMINATION.**—The Secretary of State shall exercise the authorities available to him to ensure that the United States does not provide, directly or indirectly, any retirement benefits of any kind to any present or former foreign national employee of a United States diplomatic or consular post against whom the Secretary has convincing evidence that such employee has engaged in intelligence activities directed against the United States. To the extent practicable, the Secretary shall provide due process in implementing this section.

(b) **WAIVER.**—The Secretary of State may waive the applicability of subsection (a) on a case-by-case basis with respect to an employee if he determines that it is vital to the national security of the United States to do so and he reports such waiver to the appropriate committees of the Congress.

**SEC. 159. REPORT ON EMPLOYMENT OF FOREIGN NATIONALS AT FOREIGN SERVICE POSTS ABROAD.**

Not later than 6 months after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce, the Secretary of Agriculture, the Director of Central Intelligence, the Director of the United States Information Agency, and the Director of the Peace Corps, shall submit to the Congress a report discussing the advisability of employing foreign nationals at

PUBLIC LAW 100-204—DEC. 22, 1987

101 STAT. 1331

Public Law 100-204  
100th Congress

## An Act

To authorize appropriations for fiscal years 1988 and 1989 for the Department of State, the United States Information Agency, the Voice of America, the Board for International Broadcasting, and for other purposes.

Dec. 22, 1987  
[H.R. 1777]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1988 and 1989".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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## TITLE I—THE DEPARTMENT OF STATE

## PART A—AUTHORIZATION OF APPROPRIATIONS, ALLOCATIONS OF FUNDS, RESTRICTIONS

- Sec. 101. Administration of Foreign Affairs.
- Sec. 102. Contributions to International Organizations and Conferences: International Peacekeeping Activities.
- Sec. 103. International Commissions.
- Sec. 104. Migration and refugee assistance.
- Sec. 105. Other programs.
- Sec. 106. Reduction in earmarks if appropriations are less than authorizations.
- Sec. 107. Transfer of funds.
- Sec. 108. Compliance with Presidential-Congressional summit agreement on deficit reduction.
- Sec. 109. Prohibition on use of funds for political purposes.
- Sec. 110. Latin American and Caribbean data bases.

## PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES; FOREIGN MISSIONS

- Sec. 121. Reprogramming of funds appropriated for the Department of State.
- Sec. 122. Consular and diplomatic posts abroad.
- Sec. 123. Closing of diplomatic and consular posts in Antigua and Barbuda.
- Sec. 124. Report on expenditures made from appropriation for emergencies in the diplomatic and consular service.
- Sec. 125. Requirements applicable to gifts used for representational purposes.
- Sec. 126. Protection of historic and artistic furnishings of reception areas of the Department of State building.
- Sec. 127. Inclusion of coercive population control information in annual human rights report.
- Sec. 128. Limitation on the use of a foreign mission in a manner incompatible with its status as a foreign mission.
- Sec. 129. Allocation of shared costs at missions abroad.
- Sec. 130. Prohibition on the use of funds for facilities in Israel, Jerusalem, or the West Bank.
- Sec. 131. Purchasing and leasing of residences.
- Sec. 132. Prohibition on acquisition of house for Secretary of State.
- Sec. 133. United States Department of State freedom of expression.
- Sec. 134. Repeal of Office of Policy and Program Review.
- Sec. 135. Studies and planning for a consolidated training facility for the Foreign Service Institute.
- Sec. 136. Restriction on supervision of Government employees by chiefs of mission.
- Sec. 137. Study and report concerning the status of individuals with diplomatic immunity in the United States.
- Sec. 138. Federal jurisdiction of direct actions against insurers of diplomatic agents.
- Sec. 139. Enforcement of Case-Zablocki Act requirements.

Foreign  
Relations  
Authorization  
Act, Fiscal Years  
1988 and 1989.  
22 USC 2651  
note